

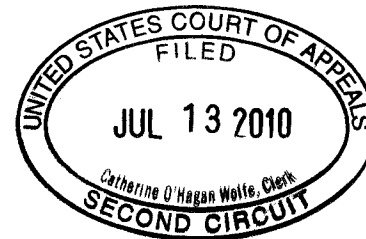
MANDATE

S.D.N.Y.-N.Y.C.
08-cv-8601
Rakoff, J.

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 13th day of July, two thousand ten,

Present: Dennis Jacobs,
 Chief Judge,
Richard C. Wesley,
Denny Chin,
 Circuit Judges.



Panamax Bulk AS,

*Plaintiff-Counter-
Defendant-Appellant,*

v.

09-5150-cv

Dampskibsselskabet Norden AS,

*Defendant-Counter-
Claimant-Appellee.*

USDC SDNY
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DATE FILED: 07/14/2010

Appellant, through counsel, moves for a voluntary dismissal of the appeal. Upon due consideration, it is hereby ORDERED that the Appellant's motion is GRANTED and the appeal is DISMISSED. See Fed. R. App. P. 42(b); *Conn. Office of Prot. & Advocacy for Persons with Disabilities v. Hartford Bd. of Educ.*, 464 F.3d 229, 237 (2d Cir. 2006) (motions for voluntary dismissal are granted when the parties agree); see also *Khouzam v. Ashcroft*, 361 F.3d 161, 167 (2d Cir. 2004) (appellate court may grant a voluntary motion to dismiss when such action is warranted). Appellee's request to condition the dismissal upon the preservation of the district court's jurisdiction to adjudicate its counterclaim is DENIED.

FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk

A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

Catherine O'Hagan Wolfe



Catherine O'Hagan Wolfe

MANDATE ISSUED ON 07/13/2010